



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ZUBEARU BETTIS,

Plaintiff,

-against-

METROPOLITAN CORRECTIONAL
CENTER; BUREAU OF PRISONS NORTH
EAST REGION DIRECTOR; L. N'DIAYE,
WARDEN METROPOLITAN CORR.
CENTER, N.Y.; LT. PEREZ; FACILITY
DIRECTOR MCC NY; DR. BEAUDOIN;
WALKES, COUNSELOR MCC NY;
BULLOCK, COUNSELOR MCC NY; JANE
DOE, PHYSICIAN ASSISTANT,

Defendants.

1-21-CV-7496 (VEC) (KHP)

ORDER

KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE.

The Court is in receipt of Defendant's letter, dated March 14, 2022, that explains that the U.S. Attorney's Office identified the Jane Doe Defendant referenced in Plaintiff's complaint as Michelle Lerner-Cannata, who was a contractor physician assistant at the time of the events referenced in the Complaint. The Court orders the Plaintiff to file an amended complaint by substituting this name for Jane Doe by April 15, 2022.

As previously provided by the Honorable Valerie Caproni's Order on October 4, 2021 (ECF No. 6.), because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)). To allow Plaintiff to effect service

on Defendant Michelle Lerner-Cannata, through the U.S. Marshals Service, **the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for this Defendant at the following address:**

Michelle Lerner-Cannata
31 Wansor Avenue
Bayville, NY 11709

The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon the Defendant.

Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons and complaint be served within 90 days of the date the complaint is filed. Accordingly, the Court requests that service is effectuated upon receipt of the amended complaint that will be filed by April 15, 2022.

The Clerk of Court is requested to mail a copy of this order to the plaintiff and the United States Attorney's Office 86 Chambers Street / 3rd Floor New York City, NY 10007.

Dated: March 15, 2022
New York, New York

SO ORDERED.



KATHARINE H. PARKER
United States Magistrate Judge